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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 RAMIREZ FRANCISCO RAMON, JR.,  
12 Petitioner,

13 v.

14 PAT L. VASQUES, Warden,  
15 Respondent.  
16  
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Case No. EDCV 08-1042-GW(AJW)

**AMENDED JUDGMENT**

18 Pursuant to the Court of Appeals' mandate filed on November  
19 28, 2014, it is hereby adjudged that the petition for a writ of  
20 habeas corpus is *granted* with respect to petitioner's claim that  
21 his upper term sentence for the use of a firearm was imposed in  
22 violation of his Sixth Amendment right to a jury trial. Respondent  
23 is directed to modify petitioner's upper term sentence to the same  
24 term of years as a middle term sentence, unless petitioner is  
25 resentenced in compliance with *Blakely v. Washington*, 542 U.S. 296  
26 (2004) and *Cunningham v. California*, 549 U.S. 270 (2007) within  
27 ninety (90) days of the entry of judgment. See *Chioino v. Kernan*,  
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1 581 F.3d 1182, 1186 (9th Cir. 2009). In all other respects, the  
2 petition is *denied*.

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4 Dated: December 23, 2014

BY THE COURT

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A handwritten signature in dark ink, appearing to read "George H. Wu", is written over a horizontal line.

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HONORABLE GEORGE H. WU

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UNITED STATES DISTRICT JUDGE

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